

DRIVER'S LICENSE RESTORATION (DWI)

A step-by-step guide

NOTE: If you were told that your driver's license was revoked for failure to pay child support, do not use this packet! See a lawyer, or, obtain a motion packet from the Self Help Center, Room 274A, at the Bernalillo County Courthouse at 400 Lomas Blvd. NW, Albuquerque, New Mexico.

Do not use this packet if you are an out-of-state resident who needs to clear your driving record. You must file your petition in the 1st Judicial District Court in Santa Fe, New Mexico. You may review the Driver's License Restoration Guide on the internet at:

www.tax.state.nm.us/forms/mvd

If you can **use this packet**, you must follow each of these steps:

Step 1: Obtain a current copy of your driving record. You can request this document by mail or telephone (1-888-683-4636) from your local Motor Vehicle Division branch office, or by going to the main Motor Vehicle Division. The Motor Vehicle Division does not charge any fee for this service.

Step 2: Check your driving record to see if you are eligible for restoration. Carefully review the New Mexico Statutes Section 66-5-5(D), Section 66-5-5(E) and Section 66-5-33.1 to determine if you are eligible for restoration.

If the revocation period is not over you are **not** eligible to apply for restoration.

You must have had an ignition interlock license and device for a minimum of six months prior to filing this petition, with no attempts to circumvent or tamper with the ignition interlock device, in order to be eligible for restoration.

Step 3. Fill in the blanks on the Petition for Order of Restoration as completely as you can. Make sure you include your name, date of birth, Motor Vehicle Division identification number, address and telephone number. Also fill out the caption and signature information on the Request for Hearing and Notice of Hearing.

The law states that you are required to demonstrate **good cause** to have your driving privileges restored. Good cause is not your need for a license or evidence that a license will improve your work situation or make your life easier. Good cause is evidence that you addressed your substance abuse problem and no longer pose a risk to the public if granted a license. Attach any letters from people who know you (like your employer) and any evidence of treatment for a drug or alcohol problem which supports your petition. You can bring people to testify on your behalf to any hearing in this matter.

Step 4. Prepare the original Petition, Request for Hearing, and Notice of Hearing and make three (3) sets of copies (one of these copies is for your own file). Also, prepare two legal-sized envelopes, with postage, and address one of the envelopes **to yourself** (at your address); and one of them to:

Taxation and Revenue Department
Legal Services Bureau
DWI - Legal Section
Post Office Box 630
Santa Fe, NM 87504-0630

Take these documents and the envelopes to the Clerks Division, Room 119, **1st** floor, of the Bernalillo County Courthouse at 400 Lomas Blvd. NW, Albuquerque, New Mexico between the hours of 10:00 A.M. and 4:00 P.M., Monday through Friday, to file them. The filing fee is \$132.00 (cash, money order, or cashier's check payable to Clerk of the District Court - No personal checks are accepted). At that time, the case will be randomly assigned to a Civil Judge and given a case number. Ask the clerk to "endorse" the copies of the Petition and Request for Hearing for you. The Clerk will keep both pre-addressed, stamped, envelopes for the judge's use in notifying both parties of the hearing date and time. The Clerk will also give you a Substance Abuse Assessment Order which you must comply with prior to your hearing.

Step 5. Mail one endorsed copy of the Petition (with the driving record and all other attachments) to:

Taxation and Revenue Department
Legal Services Bureau
DWI - Legal Section
Post Office Box 630
Santa Fe, NM 87504-0630

Step 6. Prepare for the hearing. The Taxation and Revenue attorney who handles driver's license restorations will send you a copy of their Response to your Petition. The Judge will set a hearing and notify you and the opposing attorney of the date and time. Bring your substance abuse assessment report with you to the hearing. If you have testimony or evidence, be prepared to present it at the hearing to show why you think the judge should sign an Order restoring your driver's license. Bring any witnesses you may have to the hearing. If you have letters or certificates you want to present that were not attached to the Petition, you need to send a copy of those to the Taxation and Revenue Department, at the address in Step 5, before your hearing and bring these to the hearing as well.

Step 7. If the judge issues an Order on Petition for Driver's License Restoration, **file the original signed Order in the Clerks' Division of the court (Room 119).** There is no charge for filing this document. It's a good idea to request an endorsed copy of the Order for your personal records.

Step 8. Ask the clerk to "certify" a copy of the Order. The Court Clerk will charge you to certify it. You will need the certified copy for the Motor Vehicle Division.

Step 9. To obtain a New Mexico driver's license, take your certified copy of the court Order to any Motor Vehicle Division office and apply for a driver's license. You will need to provide proof of identity, proof of your social security number, two documents to prove you live in New Mexico, and proof of liability insurance. When you apply, you will be required to pay the reinstatement fee, any other fees you owe, and the license fee. The judge cannot reduce or waive any Motor Vehicle Division fees. You will also be required to take the written test and the vision test. You may be required to take the driving test.

**STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT**

CASE NO. _____

Petitioner,
vs.

STATE OF NEW MEXICO
TAXATION AND REVENUE DEPARTMENT
MOTOR VEHICLE DIVISION,
Respondent.

PETITION FOR ORDER OF RESTORATION OF DRIVER'S LICENSE

Petitioner asks this court to order restoration of driving privileges, in accordance with § 66-5-5(D) NMSA 1978.

1. The Motor Vehicle Division has withdrawn my privilege to drive because I have had three or more DWI convictions.

2. It has been ____ years or longer since my last conviction for DWI. A current copy of my driving record is attached.

3. My driver's license was revoked for _____ years or _____ (other period) which ended on _____. I have checked my driving record and my revocation period is over.

☐ Since that date, I have not previously petitioned for restoration of my driver's license in this or any other judicial district.

.OR.

☐ Since that date, I have previously petitioned for restoration of my driver's license in case number _____, in the _____ Judicial District Court. That Petition resulted in the following court order: _____

4. ☐ I have never been required to have an ignition interlock device and I do not have an interlock license.

.OR.

☐ I have been required to have an ignition interlock device. I have had an interlock license and I am prepared to present evidence that for the previous six months there have been no attempts to circumvent or tamper with the ignition interlock device.

5. I am prepared to present evidence of good cause to restore my driving privileges. This evidence includes the following:

☐ • I have honored the revocation and have not driven during this time.

☐ I no longer consume alcoholic beverages.

☐ I have undergone treatment or counseling so that I am no longer dependent on alcohol.

☐ I have attached evidence of, and explained, where and when I received treatment for substance abuse, attended AA meetings, received assessments, etc., to this

Petition. (Also attach any certificates that you received and any letters from a physician, alcohol counselor, or other professional who can state that you are no longer at risk for substance abuse.)

☐ I have attached letters of recommendation to the Petition.

☐ I will bring witnesses to testify at my hearing.

WHEREFORE the Petitioner requests that the court issue an Order of Restoration of Driving Privileges.

SIGNATURE

NAME (Printed)

ADDRESS

CITY, STATE, ZIP CODE

TELEPHONE

DATE OF BIRTH

MVD License or ID Card Number
(If available)

**YOU MUST SEND A COPY OF THIS DOCUMENT,
AFTER FILING IT WITH THE DISTRICT COURT,
TO:**

Taxation and Revenue Department
Legal Services Bureau
DWI - Legal Section
Post Office Box 630
Santa Fe, NM 87504-0630

**STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT**

Case No. _____

Petitioner,

vs.

STATE OF NEW MEXICO
TAXATION AND REVENUE DEPARTMENT
MOTOR VEHICLE DIVISION,
Respondent.

REQUEST FOR HEARING

1. Assigned judge: THE HONORABLE _____
2. Type of case: PETITION FOR ORDER OF RESTORATION OF DRIVER'S LICENSE
3. Jury: _____ Non-jury: XXX
4. Dates of hearings presently set: NONE
5. Specific matter(s) to be heard upon this request: MERITS
6. Estimated total time required: FIFTEEN (15) MINUTES
7. The following is the name, firm, capacity, address, and telephone numbers of all parties entitled to notice.

Signature _____
PETITIONER PRO SE
Address _____
City, State, Zip _____
Telephone _____

Legal Services Bureau - DWI Legal
Post Office Box 630
Santa Fe, NM 87504-0630
(505) 827-9807
RESPONDENT

I certify that a copy of this request for hearing was mailed to all parties entitled to notice on _____, 201__.

Signature — Petitioner Pro Se

**STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT**

Case No. _____

Petitioner,

vs.

STATE OF NEW MEXICO
TAXATION AND REVENUE DEPARTMENT
MOTOR VEHICLE DIVISION,
Respondent

NOTICE OF HEARING

A hearing in this case is set before the HONORABLE _____ as follows:

Date of Hearing: _____

Time of Hearing:

Length of Hearing: Fifteen (15) Minutes

Place of Hearing: COURTROOM OF JUDGE _____
Bernalillo County Courthouse
400 Lomas NW
Albuquerque, New Mexico 87102

Matter(s) to be heard: MERITS _____

THE HONORABLE _____

By: _____

Notice mailed or delivered on date of filing to parties listed on attached sheet.

ALL PARTIES ENTITLED TO NOTICE:

PETITIONER:

(print name, address and telephone number)

RESPONDENT:

Legal Services Bureau - DWI Legal
Post Office Box 630
Santa Fe, NM 87504-0630
(505) 827-9807

STATE OF NEW MEXICO

COUNTY OF _____

IN THE _____ COURT

_____, Plaintiff

v

No. _____

_____,

Defendant

REQUEST FOR COURT INTERPRETER

PERSON NEEDING INTERPRETER: Party _____ Witness for _____

NAME OF PERSON NEEDING INTERPRETER: _____

SPECIFIC MATTERS TO BE HEARD: _____

DATE: _____ TIME: _____ LOCATION: _____

JUDGE: _____ TIME REQUIRED: _____

LANGUAGE NEEDED: Spanish _____ Sign _____ Other _____

REQUESTED BY: _____

Signature of party or party's attorney

[BELOW FOR CLERK'S USE ONLY]

NAME OF INTERPRETER: _____

DATE INTERPRETER CONTACTED: _____

DATE/TIME VERIFIED WITH INTERPRETER: _____

BY _____

Deputy Clerk

USE NOTE

The party requesting the interpreter is responsible for notifying the court clerk's office if cancellation of the interpreter services is required. If the requesting party fails to do so in a timely manner, that party may be responsible for the fees and mileage expenses of the interpreter in accordance with the Administrative Office of the Courts Court Interpreter Standards of Practice and Payment Policies.

[Adopted by Supreme Court Order No. 12-8300-022, effective for all cases filed or pending on or after January 1, 2013].